

## CONSENT ITEM

Date: October 2, 1991  
 For Agenda Of: October 2, 1991  
 Agenda Item: 2

**REPORT TO:** The Planning Commission  
**FROM:** The Development Review Committee  
**LOCATION:** 15405 F Los Gatos Boulevard  
 Conditional Use Permit Application U-91-15  
 Requesting permission to establish a small delicatessen within an existing retail/office complex in the CH zone.  
**PROPERTY OWNER:** Teacher's Management Investment (New Town Center)  
**APPLICANT:** Eva L. Levine

**DEEMED COMPLETE:** September 3, 1991  
**FINDINGS:** As required by Section 5.20.210 of the Zoning Ordinance for the granting of a Conditional Use Permit.

**ACTION:** The decision of the Planning Commission is final unless appealed within ten days.

**ENVIRONMENTAL ASSESSMENT:** It has been determined that this project is Categorically Exempt pursuant to Section 15301 of the State Environmental Guidelines as adopted by the Town.

**EXHIBITS:** A. Letter of Justification (eight pages), received August 19, 1991.  
 B. Floor plan (one sheet), received August 19, 1991.

**RECOMMENDATION SUMMARY:** Approval, subject to conditions.

**A. REMARKS:**

1. The applicant is requesting permission to operate a Chinese deli within a 1,200 sq. ft. retail space of the New Town Center. Hours of operation will be from 11 a.m. to 9 p.m., Monday through Saturday, and will be closed on Sunday. A maximum of 15 seats are proposed. The required parking for this retail space is 5. Using the restaurant parking ratio of 3 seats per space, a total of 15 seats are permitted.
2. The projected traffic increases for this proposed intensification of use, are as follows:

<u>Proposed Use</u>	<u>Area</u>	<u>ADT</u>	<u>AM</u>	<u>PM</u>
Delicatessen (*)	1,200 sq. ft.	253.7 trips	—	21.6 trips
<u>Existing Use</u>				
Specialty Retail	1,200 sq. ft.	48.4 trips	1.6 trips	4.9 trips
Net increase in traffic		205.3 trips	—	16.7 trips
Rounded net increase		205 trips	—	17 trips

(\*) Town of Los Gatos trip generation rate for a high turnover, sit-down restaurant.

The projected increase of 17 p.m. peak hour trips makes this a minor project. Therefore, a traffic study will not be required, but traffic impact mitigation fees will be required for this proposed intensification of use.

The Planning Commission - Page 2  
18495 F. Los Gatos Boulevard - U-91-15  
September 25, 1991

3. The landscaping at New Town has recently been brought up to Town Standards except for the following items: one Redwood tree is dead, weeds are growing in the planter areas, Brazilian Peppers are missing in the front turf area and trees are missing in the planter across from Erick's Deli. These deficiencies will be required to be mitigated prior to occupancy being granted for the proposed restaurant.

B. RECOMMENDATION:

The Development Review Committee considered this matter on September 3, 1991, and recommends that the Planning Commission make the following findings as required by Section 5.20.210 of the Zoning Ordinance for granting of a Conditional Use Permit:

1. The proposed use of the property is desirable to the public convenience because it offers a specialized food item.
2. The proposed use will not impair the integrity and character of the zone because it will be located in an existing commercial center with similar and competitive uses.
3. The proposed use would not be detrimental to public health, safety or general welfare because the conditions of this permit are intended to reduce any unforeseen impact on the surrounding neighborhood; and
4. The proposed use of the property is in harmony with the various elements or objectives of the General Plan and purposes of the Zoning Ordinance.

The Planning Commission should then approve Conditional Use Permit Application U-91-15, subject to the following conditions:

TO THE SATISFACTION OF THE PLANNING DIRECTOR:

1. Maximum number of seats shall not exceed 15.
2. Hours of operation shall be limited from 11 a.m. to 9 p.m., Monday through Saturday, closed on Sunday.
3. Traffic Impact Mitigation fees and all other fees, as applicable, shall be paid prior to issuance of any permits.
4. All requirements of the County Health Department shall be met regarding the interception, separation, or pretreatment of effluent from the restaurant.

*Lee E. Bowman*  
Lee E. Bowman, Planning Director

Prepared by: Sandy Bafly, Planner

LEB:SLB:cs

cc: Teacher's Management Investment (New Town Center)  
Eva L. Levine

C13\REPORTS\U-91-15

